REMARKS

Claims 21-32 and 34 were pending in the application and all were rejected. Claims 22, 23, 24, 25, 29, 30, 32, and 34 have been amended. Support for the claim amendments can be found in Applicant's disclosure as published in United States Patent Publication No. 2006/0168104, specifically at paragraphs [0026], [0029], [0036] through [0038], and [0199]. Applicant respectfully requests reconsideration.

CLAIM OBJECTIONS

The Office Action objected to claim 22 because of informalities. Applicant has amended claim 22 to correct the informality.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 22, 24, 29-32, and 34 under 35 USC 103(a), as being unpatentable over Monteiro et al. (6,434,622) in view of Patrick et al. (US 5,790,541), in further view of Hudson et al. (US 20030204613), and in further view of Shibata et al. (US 20010018772). Applicant respectfully traverses the rejection.

Claim 22, as amended, is not unpatentable over the cited references because the cited references do not teach or suggest the following claim requirements that have been clarified by amendment:

a)   a first network connected to a second network, wherein clients in the second

network are grouped into clients groups that are connected to the second network through lines different in communication capacity;

b) an updatable list of client destinations comprising group identifiers for identifying which clients belong to which client group;

c) wherein the server adds and removes clients from the updatable list responsive to the clients joining or leaving their respective client group; and

d) wherein the server transmits the packets to the first network for transmission to an intermediate node in the second network so that the intermediate node distributes copies of the received packets to the other clients in the client group.

The Office Action cites Monteiro for teaching "dynamically allocating, by use of the updatable list, the destinations to the network to which the packets of minimum unit are transmitted" at Col. 6, lines 2-6: "Thus the distribution architecture implements a form of multicast packet delivery to a group. The group in this case is the set of all Users who are listening to a given channel at a given time. Group membership is dynamic, Users can start and stop listening to a channel at any time."

Monteiro's multicasting apparatus does not require an updatable *list* of client destinations. Instead, because Monteiro does not have such a list, Monteiro must verify "the operational status of the user's access to the communications network during delivery of the real-information" as recited in claim 1 of Monteiro. Monteiro does not refer to the list required by claim 22 and in fact Monteiro discusses the scenario wherein users are able to start and stop listening to channels at any given time and yet there is no list tracking the users. Monteiro at

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Col. 6, lines 1-5: "Thus the distribution architecture implements a form of multicast packet delivery to a group. The group in this case is the set of all Users who are listening to a given channel at a given time. Group membership is dynamic, Users can start and stop listening to a channel at any time."

Independent claims 22, 25, 29, 30, 32, and 34 have been updated to elaborate on this point by adding "wherein the server adds and removes the client destinations from the updatable list responsive to said client destinations joining or leaving the client group." The updatable list as required by the claims is illustrated in Figure 12. Monteiro does not show such a client list; therefore Monteiro is unable to update the client list.

Further, the independent claims have been amended to require that copies of the packet be distributed by the intermediate node. None of the cited references teach or suggest transmitting the packets to an intermediate node, NOT to all of the clients in a group. Instead, the claims at issue require that the intermediate node distribute **copies** of the packets to the other members of the group. Monteiro does just the opposite. See Monteiro at Col. 16, lines 49-57: 'In FIGS. 16A and 16B depict how the Media Server requests distribution of an audio channel from another Media Server or from a Primary Server. This sequence is much the same as that in which a User requests the distribution of audio information from a Media Server. Note that a Media Server receives a single incoming stream for each channel that it is carrying and will then redistribute this stream to all Users or other Media Servers that request it."

Also note that Patrick teaches away from the distribution of copies. Refer to Patrick at Col. 10, line 19 – Col. 12, line 57: "Continuing to refer to FIG. 8, the secondary nodes 340a,

340b, and 340c (such as secondary stations 110) forward packets from the corresponding

secondary MAC networks 320, 321, and 322 to the primary node 350 (such as primary station

101), provided those packets have a protocol field which indicates that they are of the desired

internetworking (or ancillary) protocols. For example, a secondary node connected to an

Ethernet secondary MAC would forward only Ethernet packets with a type code of hex 0800

(for IP) and hex 0806 (for the ancillary arp protocol). The secondary nodes also should be

capable of recognizing different encapsulations of protocols on the secondary MAC networks.

For example, they must recognize both the Type encapsulation of Ethernet as mentioned above

and the Sub Network Access Protocol (SNAP) encapsulation of IP and ARP in Ethernet, as

described in the Internet Society's Request for Comments (RFC) 1042. Further, for an Ethernet

secondary MAC, the secondary node only needs to examine for forwarding those Ethernet

frames that contain the secondary node's Ethernet MAC address MS2T, the Ethernet broadcast

address, and Ethernet multicast addresses if the secondary node is part of a multicast group.

The primary node recognizes internet-work protocol transmissions from the terminals and builds

an association between a terminal sender's internetwork host address and the secondary node

which forwarded the packet. It forwards internetwork packets from terminals to "other"

internetwork hosts as a router typically operates."

The Office Action concedes that Monteiro and Patrick "do not explicitly disclose 'a

first network that is connected to the second network through lines different in communication

capacity' but alleges that Hudson provides this requirement at paragraph [0030]: "... Finally, the

end-user client node tier is typically a highly heterogenous collection of typically independently

operated computer systems, each used to host a segment storage cache and to participate on an ad-hoc basis in the content distribution network. Client node systems may support caches of varying size, network connections of varying capacity, and be available on independent schedules." Applicant respectfully disagrees. Hudson does not teach the required topography of the claims wherein a server is connected to a first network; the first network is connected to a second network; and clients in the second network are grouped into client groups and these client groups are connected to the second network through lines different in communication capacity.

With regard to claim 24, Monteiro does not teach 'dynamically updating the updatable list in association with a change of a construction of the second network.' Monteiro at Col. 12, lines 12-31 discusses "automatic updating of User software," not the dynamic updating of a client destination list.

With regard to claim 29, it is not unpatentable over the cited references because it is a system counterpart to claim 22 and contains the same limitations not taught by the cited references. Likewise, claims 30, 32, and 34 have been amended with claim limitations similar to those found in claim 22; therefore they are not unpatentable over the cited references for at least the same reasons that claim 22 is not unpatentable.

The Office Action rejected claim 23 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, Hudson, and Shibata as applied to claim 22 above, and further in view of Motles (US 5095444). Claim 23 is not unpatentable over the cited references by virtue of its

dependence on claim 22.

The Office Action rejected claims 25 and 27-28 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, and Shibata.

Claim 25 is a counterpart to claim 22 and contains limitations similar to those of claim 22, specifically claim 25 requires: a) wherein the clients in the second network are grouped into client groups that are mutually connected to the second network through lines different in communication capacity; and b) a central processor unit configured for distributing to other clients within the client group in the second network copies of the packets. Claims 27 and 28 are patentable over the cited references at least by virtue of their dependence on claim 25.

The Office Action rejected claim 26 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, Shibata, as applied to claim 25 above, and further in view of Motles. Claim 26 is patentable over the cited references at least by virtue of its dependence on claim 25.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

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